

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JEFFREY J. DEL FUOCO,

Plaintiff,

v.

Case No. 8:09-cv-1262-T-27MAP

ROBERT E. O'NEILL, in his personal
and individual capacity,

and

ERIC H. HOLDER, JR.,
Attorney General of the United
States of America on behalf of the
U.S. Department of Justice,

Defendants.

**MOTION TO DISMISS SECOND AMENDED COMPLAINT BY
ROBERT E. O'NEILL AND UNITED STATES DEPARTMENT OF JUSTICE**

EXHIBIT 1

- (h) Management Experience: From an early stage in my career, I have served in various management positions. Even as a supervisor, I have always maintained a caseload. I believe strongly in the concept of leading by example. In addition, I thoroughly enjoy litigation, and I have never been willing to forgo that part of my career.

Management can be rewarding in that you have an opportunity to view an organization on a macro level. By looking at the operation of the entire office, and not just the cases that you are prosecuting, you have an opportunity to identify systemic problems and correct them.

Serving in management can also be extremely challenging at times because you must deal with a myriad of personnel issues. My experience has been that many of the individuals in government who want to be in supervisory positions shirk their responsibilities when difficult decisions must be made.

In 1999, I was selected to be the Chief of the Special Prosecutions Section. One of the Assistant United States Attorneys assigned to this new section was Jeffrey Del Fuoco, who had what I later learned to be a checkered history as a prosecutor in this Office.

There was a tremendous amount of rancor between Mr. Del Fuoco and opposing counsel. He was strongly disliked by the defense bar in Tampa for the perceived abuses that he had committed in the past. The enmity eventually led to a couple of Tampa attorneys filing a complaint against him with the United States District Court for the Middle District of Florida. Around that time, Mr. Del Fuoco's behavior became more erratic. Although he had always made broad pronouncements of criminal culpability, he started leveling baseless accusations with greater frequency. At this point, I decided to confront him and told him forcefully that he had to stop making unfounded accusations. In addition, I had learned that he had leaked matters to the media, and I took him to task for that as well.

As one could expect, Mr. Del Fuoco did not handle the pointed criticism well. Instead, he turned his attention to me. He filed a number of spurious complaints against me with the Office of Professional Responsibility, which is the Department's disciplinary body. One of the complaints was that I had an improper relationship with the two attorneys in Tampa who had filed the complaint against him, both of whom are highly respected members of the criminal defense bar. The evidence that he alleged demonstrated the improper relationship was the fact that I had appeared as a panelist at an American Bar Association seminar on White Collar Crime at the Stetson University School of Law. His complaint was

that there were "connected" defense attorneys present as well, including the two who had filed the complaint against him. Of course, he failed to mention that, in addition to those two attorneys, also present were the United States Attorney, two United States District Judges, two United States Magistrate Judges, and various lawyers from across the State of Florida.

Even more bizarre than that ludicrous accusation was his claim that I was a member of the Irish Republican Army and that, unbeknownst to my family, I traveled to Ireland a couple of times a year to meet with IRA operatives. Although salacious, the allegation was utterly baseless. The Office of Professional Responsibility investigated the matter and concluded that I had done nothing wrong.

Next, Mr. Del Fuoco filed a complaint with the Florida Bar alleging a number of improprieties that I supposedly had committed. The Florida Bar found his claims to be meritless. Recently, he filed a strikingly similar series of complaints against me with the Florida Bar. These recent allegations were also quickly rejected by the Florida Bar. In addition, he has filed allegations against me with the Department of Justice, the Senate Judiciary Committee, and a number of elected officials. It is apparent that Mr. Del Fuoco is fixated on me. Of course, I am not alone. He has filed innumerable complaints against a host of others, including most of the senior management within the United States Attorney's Office. To my knowledge, none has been found to have merit. Due to his bizarre fixation on me, it has been suggested to me, by a number of prosecutors, lawyers, and members of law enforcement, that I should carry a weapon at all times because he is seemingly unstable.

Although this has been an unpleasant experience, in an ironic manner, it has made me a better prosecutor. There is a bond among prosecutors, as there is in most organizations. If a prosecutor makes a statement, there is a consensus among other prosecutors that the statement is correct. For many years, I shared that perspective. I no longer do. Now, I am more apt to question my colleagues when they embark on dubious courses of action. I do not take what a colleague says at face value simply because he or she is a federal prosecutor.

The new United States Attorney likely will encounter disputes not only within the ranks of his or her own office, but he or she also will have to address external issues that effect the administration of justice in the Middle District of Florida. As the highest federal law enforcement official in the District, the United States Attorney must make decisions that have an effect on other agencies. For instance, while I was the Chief of the Criminal Division, it was brought to my attention that an employee of a

federal law enforcement agency had a problematic background that might need to be disclosed to the defense if that employee were to testify at trial. I took the position, and still do, that I need to review all personnel matters pertaining to that employee before a decision can be made as to whether the information needs to be produced to the defense or, at a minimum, to the court in camera. The federal agency has taken a contrary position. I have been in a dispute with this agency for a couple of years now. As of today, it is still not resolved. It would be simple to accede to the agency's request and their interpretation of the law. However, because I believe that my position is the lawful one, I will not.

- (i) Review of Federal Bureau of Investigation Offices: In January 1998, then-Deputy Attorney General Eric Holder put together a team of experienced prosecutors and FBI agents, and I was selected to be part of that team. We were tasked with traveling to various FBI offices throughout the country to ensure that they were in compliance with certain Congressional subpoenas. The United States Congress had issued subpoenas to the FBI concerning campaign financing issues. At the time, the FBI's files were not maintained on computers. As a result, the FBI was having a difficult time complying with the subpoenas. When called upon to testify before Congress, the then-Director of the FBI had testified that the search for relevant records had been completed and that all pertinent records had been produced. Shortly after his testimony, additional records were discovered. Thereafter, the then-Attorney General of the United States testified that all pertinent records had been produced to Congress. Again, shortly after her testimony, additional records were found. As a result of these gaffes, Mr. Holder put a team together to ensure complete compliance with the subpoenas.

The team that I was assigned to went to the FBI offices in New York, the largest FBI field office, Houston and Oklahoma City. In each, we met with senior management, explained the severity of the situation, and reviewed records. Although we were not met with any resistance, it was an uneasy situation explaining to senior management that no further late discoveries of documents would be tolerated. If such a situation were to occur, careers would be in jeopardy. The message was clear, and it seemed to be clearly understood. To my knowledge, there were no further issues concerning less than full compliance with the subpoenas.

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EXHIBIT 2



United States Senate

WASHINGTON, DC 20510-0905

Florida Federal Judicial Nominating Commission Rules of Procedure Revised, April 2009

Rule 1. Preamble

Upon the request of the President of the United States, Florida's two United States Senators provide to the President the names of persons to be considered for nomination to certain federal judicial and law enforcement positions in Florida that require nomination by the President, by and with the advice and consent of the Senate. These positions include U.S. District Judge, U.S. Attorney, and U.S. Marshal. To facilitate the identification of excellent, highly-qualified, and eligible candidates, the Senators have established the Federal Judicial Nominating Commission of Florida to conduct a selection process that identifies the most qualified finalists to serve the public in these positions. The Senators adopt these Rules to govern the work of the Commission.

Rule 2. Formation

Florida's two Senators ("the Senators") jointly establish the Commission which shall be governed by these Rules of Procedure ("Rules") and known as the Federal Judicial Nominating Commission of Florida ("JNC" or "Commission"). The JNC shall be divided into and consist of three District Conferences, with each Conference representing one of the three federal judicial districts of Florida: the Northern District Conference, the Middle District Conference, and the Southern District Conference.

Rule 3. Charge to the Commission

The JNC is charged with identifying highly qualified individual as finalists to become U.S. District Judges, U.S. Attorneys or U.S. Marshals in each of the three judicial districts within Florida. At the request of the Senators, the JNC shall commence the selection process by inviting applications for specified positions. Upon the completion of a careful and thorough review of these applications, the JNC shall select finalists who possess the professional qualifications, character, integrity, intellect, experience, temperament, professional competence, maturity, capacity for growth, and other characteristics necessary to perform the duties of that office and uphold the public trust.

Rule 4. Equal Opportunity

The JNC selection process shall be open, inclusive, and afford any applicant an equal opportunity to receive consideration for the office to which he or she applies.

Rule 5. Presiding Senator and Non-Presiding Senator

The JNC shall have a Presiding Senator and Non-Presiding Senator. The Presiding Senator shall be designated as follows. If, during the operation of the JNC, the Senators have different political party affiliations, the Presiding Senator shall be the Senator possessing the same political party affiliation as the President. If, during the operation of the JNC, both Senators possess the same political party affiliation as the President, then the Presiding Senator shall be the senior Senator from Florida. If, during the operation of the JNC, the Senators possess the same political party affiliation, and that affiliation differs from that of the President, then the Senators, in their discretion, may maintain, revise or suspend the operation of these Rules.

Rule 6. Role of the Presiding and Non-Presiding Senators

The Presiding Senator shall appoint the Chair of the JNC, the Chair for each of the three District Conferences within the JNC, and the Commission members as specified by Rules 10-12. The Non-Presiding Senator shall appoint Commission members to each of the three District Conferences as specified by Rules 10-12. In addition, the Senators will interview the finalists selected by the JNC for a given position and transmit to the White House a list of finalists identified by the JNC.

Rule 7. JNC Chair

The Commission shall be chaired by one of its members, who shall be appointed by the Presiding Senator to the term specified in Rule 13. The JNC Chair may be reappointed at the discretion of the Presiding Senator.

Rule 8. District Conference Chairs

Each of the three District Conferences shall be chaired by a District Conference Chair, who shall be appointed by the Presiding Senator to the term specified in Rule 13. The District Conference Chairs may be reappointed at the discretion of the Presiding Senator.

Rule 9. Commission Members

Members of the Commission may be members of the Florida Bar or the general public.

Rule 10. Northern District Conference

The Northern District Conference shall consist of 16 members, including the JNC Chair and the District Conference Chair. The Presiding Senator shall appoint 12 members, in addition to the JNC Chair, and the Non-Presiding Senator shall appoint 3 members to the Northern District Conference.

Rule 11. Middle District Conference

The Middle District Conference shall consist of 21 members, including the JNC Chair and the District Conference Chair. The Presiding Senator shall appoint 16 members, in addition to the JNC Chair, and the Non-Presiding Senator shall appoint 4 members to the Middle District Conference.

Rule 12. Southern District Conference

The Southern District Conference shall consist of 21 members, including the JNC Chair and the District Conference Chair. The Presiding Senator shall appoint 16 members, in addition to the JNC Chair, and the Non-Presiding Senator shall appoint 4 members to the Southern District Conference.

Rule 13. Terms of Members

The terms of all Commission members shall commence on the date of appointment and end on the second anniversary of appointment or the last day of the Congress during which the member serves, whichever comes first. If a JNC member is unable to complete his or her term, the Presiding Senator shall appoint an individual to serve the remainder of the term. The Presiding Senator shall have the discretion to reappoint the JNC Chair, District Conference Chairs or Commission members to an additional term.

Rule 14. Member May Not Seek Appointment

No member of the JNC may apply to fill any position for which the Commission reviews application while serving on the JNC. By joining the JNC, members are ineligible for consideration during the member's term of appointment, as specified in Rule 13. After a member's term concludes, the member shall be permitted to apply for any position according to the deadlines and criteria applicable to all other applicants.

Rule 15. Meetings; Expenses

Meetings of the full Commission and the District Conferences shall take place at such places and times as determined by the Chair of the JNC or the respective District Conference Chair with at least five days prior written notice to the members. Members of the JNC perform an important public service in a volunteer capacity and are responsible for all expenses associated with their service on the Commission.

Rule 16. Notice to Applicants

Following the direction of the President of the United States and when the Senators so request, the JNC shall commence the selection process by inviting applications for the specified U.S. District Judge, U.S. Attorney, or U.S. Marshal position(s). The JNC shall provide public notice that it is accepting applications for the specified position(s) in the Florida Bar News, on the

website(s) of the Federal Bar Association(s) for the applicable Federal Judicial District(s), and any other appropriate publication of general circulation. The JNC shall provide an application for the specified position(s) upon request.

Rule 17. Recruitment of Applicants

Although JNC members are expected to recruit and encourage qualified individuals to apply, JNC members must make clear to any prospective applicant that their recruitment affords them no special preference or status, nor will it guarantee or ensure their being recommended to the Senators or nominated by the President.

Rule 18. Recusal

In the case of a JNC member who has a preexisting relationship with an applicant, by virtue of a professional, personal, or familial relationship that would reasonably give rise to questions about the member's objectivity in the selection process, it is the obligation of that JNC member to disclose this relationship to the JNC Chairman, who will have the sole discretion to determine whether the particular relationship at issue requires the member's recusal from any JNC deliberations or actions taken regarding the specific position in question.

Rule 19. Submission of Applications

Applications will be made available by the JNC Chair upon request. In the Notice required by Rule 16, the JNC Chair shall identify an application due date that is at least 30 days from the date on which applications for a position are first invited by advertisement. Completed applications must be submitted to the JNC Chair and Commission members according to the instructions included in the announcement.

Rule 20. Applicant Contact with Commission Members

Following an applicant's submission of an application to the JNC, the applicant is prohibited from contacting members of the JNC regarding any aspect of the applicant's candidacy except in response to inquiries received from the JNC.

Rule 21. Review of Information

The JNC may seek, receive, and review pertinent information, in addition to the written applications, in assessing the qualifications and eligibility of applicants.

Rule 22. Public Comment

In evaluating candidates for a position, the JNC Chair and District Conference Chairs will accept written comments from interested members of the legal community and the general public.

Rule 23. Public Review

Subject to the discretion of the JNC Chair to exclude highly sensitive personal information and information provided to the JNC by a government agency under terms of limited review, all materials received in connection with an application for appointment will be disseminated to the full Commission and made available to the general public for review.

Rule 24. Review of Applications

It will be the responsibility of each member of the JNC to review each application received and rank each application in accordance with the method established by the JNC Chair.

Rule 25. Selection of Applicants for Interview

It will be the responsibility of Commission members to forward their individual rankings of applicants to the appropriate District Conference Chair – in the district where the relevant position is located – and to the JNC Chair. The District Conference in that district shall meet in closed session to discuss the rankings and identify those applicants who will be invited to an in-person interview with the District Conference.

Rule 26. Applicant Interviews

Applicant interviews shall be open to the public. To ensure the fairness of the interview process, an applicant may not attend the interview of another applicant for the same position.

Rule 27. Deliberations; Finalists

Following the completion of interviews, within 60 days of the deadline for the submission of applications, District Conference members who are present for all candidate interviews will deliberate in closed-door session and identify finalists, whose names will be forwarded in writing by the JNC Chair to the Senators. Finalists will be selected according to the criteria set forth in Rule 3 of these Rules. Unless directed otherwise by the Presiding Senator, no less than three names per position will be submitted in unranked, alphabetical order. Deliberations taking place in closed-door sessions will remain confidential, and the contents of those deliberations shall not be disclosed or discussed by any member of the JNC. After the names of the finalists are transmitted to the JNC Chair, members may take no further action to influence the selection process of a nominee, except in response to a request from the JNC Chair or the Senators.

Rule 28. Public Statements

Only the JNC Chair will make public statements or communicate with the media regarding the activities of the JNC. With the approval of the JNC Chair, District Conference Chairs may communicate with the media or make public statements regarding the activities of that Conference.

Rule 29. Interviews with the Senators

Upon receiving the names of recommended finalists from the JNC for a position, the Senators may conduct individual interviews with each of the finalists. If neither the Presiding Senator nor the Non-Presiding Senator objects to the finalist, the Presiding Senator will forward to the White House the finalist's name on an unranked list of finalists. The Presiding Senator shall indicate that neither Senator objects to any of the finalists on the submitted list being for consideration to fill the specified position.

Rule 30. Rules Available to the Public

Copies of these Rules will be available for public inspection at the respective offices of the JNC Chair and the District Conference Chairs.

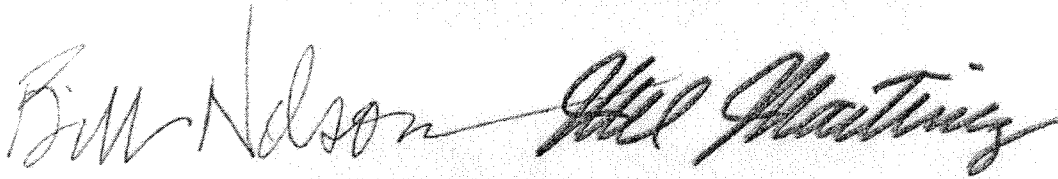
Rule 31. Rules Subordinate

Nothing contained in these Rules is intended in any way to impair the Constitutional and statutory powers, duties, or prerogatives of the President to nominate individuals to fill a position, or of the Senate to provide its advice and consent in connection with the nomination.

Rule 32. Amendments; Rescission

Upon notice to JNC members, and with the consent of the non-presiding Senator, these Rules may be amended or rescinded by the Presiding Senator.

I have reviewed these rules and agree that they will govern the operation of the Florida Federal Judicial Nominating Commission.

The image shows two handwritten signatures in black ink. The signature on the left is 'Bill Nelson' and the signature on the right is 'Will Martinez'. Both signatures are written in a cursive, flowing style.

Dated: April 30, 2009

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EXHIBIT 3

2009

FLORIDA FEDERAL JUDICIAL NOMINATING COMMISSION
APPLICATION FOR U.S. DISTRICT JUDGE OR U.S. ATTORNEY

Form. An application shall take the form of written responses on letter size paper to the information requested below. The information is similar to some of the information which will be required from a Presidential nominee by the Senate Judiciary Committee during the Senate confirmation process. Each question should be repeated and its answer placed immediately beneath it.

Submission. The original of the application, together with a cover letter clearly identifying the vacancy sought, shall be sent by mail to: John M. Fitzgibbons, Chair, Florida Federal Judicial Nominating Commission, Law Offices of John M. Fitzgibbons, 707 North Franklin Street, Suite 700, Tampa, Florida 33602. A copy of the application and the cover letter shall be sent to EACH member of the Florida Federal Judicial Nominating Commission. The cover letter to Mr. Fitzgibbons shall contain the following certificate of mailing:

"I hereby certify that a copy of this application and cover letter was mailed to each of the remaining 55 members of the Florida Federal Judicial Nominating Commission on the ____ day of _____, 200__." Service is complete upon mailing.

A. All applicants are requested to complete the "Summary" form, attached hereto as Exhibit "A", and place the completed "Summary" form on the top of the completed Application .

B. All applicants are requested to complete the "Financial Statement" form, attached hereto as Exhibit "B", and place the completed "Financial Statement" form at the end of the completed Application.

C. All applicants are requested to answer the following common questions:

1. Individual Information.

- (a) Full name .
- (b) Office and home address with zip codes, telephone numbers with area codes and e-mail addresses.
- (c) Date and place of birth.

2. Family Status.

- (a) Are you married? If so, state the date of marriage and your spouse's full name including maiden name if applicable.
- (b) Have you been divorced? If so, give particulars, including the date, the name of the moving party, the number of the case, the court and the grounds.
- (c) Names of your children, with age, and present occupation of each.

3. Military Service. Have you had any military service? If so, give dates, branch of service, rank or rate, serial number, present status, and type of discharge, if applicable.

4. Education. List (most recent first) each college and law school you attended, including dates of

attendance, the degrees awarded and, if you left any institution without receiving a degree, the reason for leaving.

5. Court Admissions. List all courts in which you have been admitted to practice, with dates of admission. Give the same information for administrative bodies which require special admission to practice

6. Employers and Associations. Describe (most recent first) your law practice, experience and all employment after your graduation from law school, including:

- (a) whether you served as clerk to a judge and, if so, the name of the judge, the court and the dates of the period you were a clerk.
- (b) whether you practiced alone and, if so, the addresses and the dates.
- (c) the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, the nature of your connection with each, and the names, addresses and current telephone numbers for individuals who have direct personal knowledge about your work at such law firm, company or governmental agency.
- (d) any other relevant particulars.

7. Types of Law Practiced.

- (a) Describe the general character of your law practice, dividing it into periods with dates if its character changed over the years.
- (b) Describe your typical clients, and mention the areas, if any, in which you specialized.

8. Court Appearances.

- (a) Have you appeared in court as an attorney for a client regularly, occasionally, or not at all? If the frequency of your appearances in court varied over the years, describe each such variance, giving dates.
- (b) What percentage of these appearances was in (i) Federal Courts; (ii) State Courts of record, and (iii) Other Courts. What percentage of your litigation was (i) civil, (ii) criminal.
- (c) State the number of cases you tried to verdict or judgment (rather than settled) in courts of record, indicating whether you were sole counsel, lead counsel, or associate counsel.
- (d) What percentage of these trials was (i) jury, (ii) non jury?

9. Litigated Matters. Describe ten of the most significant litigated matters which you personally handled as an attorney and give the citations, if the cases were reported. Give a capsule summary of the substance of each case and a succinct statement of what you believe to be the particular significance of the case. Identify the party or parties whom you represented, describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- (a) the dates of the trial period or periods;
- (b) the name of the court and the judge before whom the case was tried.
- (c) the individual name, address and telephone numbers of all co-

counsel and counsel for each of the other parties.

10. Legal Activities. Describe as many as ten of the most significant legal activities you have pursued, including a significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe the nature of your participation in this action, omitting any information protected by the attorney-client privilege, unless the privilege has been waived.

11. Public Office. Have you ever held public office? If so, give details, including the office involved, whether elected or appointed, and the length of your service, including dates.

12. Candidates or Applicant. Have you ever been an unsuccessful (a) candidate for elective judicial or other public office, or (b) applicant for a judicial position? If so, give details, including dates.

13. Other Occupations. Have you ever been engaged in any occupation, business or profession other than the practice of law or holding judicial or other public office? If so, give details, including dates.

14. Business Connections. Are you now an officer or director or otherwise engaged in the management of any business enterprise?

(a) If so, give details, including the name of the enterprise, the nature of the business, the title or other description of your position, the nature of your duties and the term of your service.

(b) Is it your intention to resign such position and withdraw from any participation in the management of any such enterprise if you are nominated and confirmed? If not, give reasons.

15. Allegations. Have you ever been arrested, charged or detained by federal, state, or other law enforcement authorities for violation of any federal law or regulation, state law or regulation, county or municipal law, regulation or ordinance? If so, give details. Do not include traffic violations for which a fine of \$100 or less was imposed.

16. Investigations. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If so, give particulars.

17. Client Litigation. Have you ever been sued by a client? If so, give particulars.

18. Legal Proceedings. Have you ever been a party or otherwise involved in any other legal proceedings? If so, give particulars. Do not list proceedings in which you were merely a guardian ad litem or stakeholder. Include all legal proceedings in which you were a party in interest, a material witness, were named as co-conspirator or a co-respondent, and any grand jury investigation in which you figured as a subject, or in which you appeared as a witness.

19. Disciplinary Matters. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a

complaint to, any court, administrative office or agency, bar association, disciplinary committee or other professional group? If so, give the particulars.

20. Health.

- (a) What is the present state of your health?
- (b) Have you in the past ten years (i) been hospitalized due to injury or illness or (ii) been prevented from working due to injury or illness or otherwise incapacitated for a period in excess of ten days? If so, give the particulars, including the dates and the present status of the condition which caused the hospitalization or incapacitation.
- (c) Do you currently have a physical or mental impairment which in any way limits your performance of the duties of the position for which you are applying? If so, give the details including any treatments you may be receiving.
- (d) Are you currently addicted to or dependent upon the use of any narcotic, drug, or intoxicating beverage? If so, give the details.

21. Writings. List at least five examples of legal articles, books, briefs, or other legal writings which reflect your personal work. If briefs were submitted, indicate the degree to which they represent your personal work.

22. Professional Associations. List all bar associations and professional societies of which you are or have been a member and give the titles

and dates of any offices which you have held in such groups. List also chairmanships of any committees in bar associations and professional societies, and memberships on any committees which you believe to be of particular significance (e.g., judicial selection committee, committee of censors, grievance committee).

23. Civic Associations. List all organizations other than bar associations or professional associations or professional societies of which you are or have been a member, including civic, charitable, educational, social and fraternal organizations.

24. Distinctions. List any honors, prizes, awards or other forms of recognition which you have received (including any indication of academic distinction in college or law school) other than those mentioned in answers to the foregoing questions.

25. Community Services. Describe any pro bono or community service activities in which you have engaged.

26. Financial Disclosure.

(a) **Past and Present Income.** List sources and amounts of all income received during the preceding calendar year and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding \$500 or more.

(b) **Future Income.** List sources, amounts and dates of anticipated receipts from deferred income arrangements, stock, options,

uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers if you are appointed. Please describe the arrangements you have made to be compensated in the future for any financial or business interest if you are appointed.

(c) **Bankruptcy.** State whether you or your spouse have ever declared bankruptcy. If so, explain

27. Tax Liens. Has a tax lien or other collection procedure ever been instituted against you by any federal, state or local authority? If so, give particulars.

28. Employer Taxes. Have you paid all amounts due the government for any business or domestic employees you may have hired? If not, explain.

29. Private Club Memberships. State whether you currently belong, or have ever belonged, to any organization with discriminatory practices, whether by formal membership requirements or the practical implementation of membership policies. If so, list with dates of membership. State whether you have attempted to change these policies and, if so, explain.

30. Judicial Office: Have you ever held judicial office? If so, give dates and details including the courts involved, whether elected or appointed, periods of service, and a description of the jurisdiction of each such court.

[In addition to the common questions, applicants who are currently sitting as judges are requested to answer questions 31(A) and 31(B).]

31(A). Judicial Service. Describe your participation, if any, on judicial committees, in judicial conferences, and in sitting, by designation, as a temporary member of the court which reviews decisions of your court.

31(B). Potential Conflicts. With respect to your judicial service:

(a) Have you participated in any proceeding in which you had a stock or other financial interest in one of the parties or in the matter in controversy? If so, give particulars.

(b) Is there a rule or custom in your court as to judges sitting on such cases? If so, state the rule or custom and whether or not you have complied with it.

(c) Have you to the best of your knowledge and belief complied with applicable statutes and Canons of the American Bar Association relative to such matters as were in force and applicable at the time? If no, give particulars.

(d) Have you ever received compensation from any outside source for services rendered (other than fees or expenses for lectures, etc.) If so, give particulars.

32. Other Relevant Information. State any other information which may reflect positively or adversely on you, or which you believe should be disclosed, in

connection with this application for U.S. District Judge or U.S. Attorney.

33. References. List five references by name, address, telephone number, and a brief description of your acquaintanceship.

34. Waiver; Authorization; Signature. Applications shall conclude with the following paragraph:

I hereby waive any privilege of confidentiality I may have concerning information which the Commission may desire to obtain from any source concerning my qualifications. I specifically authorize all institutions, organizations, schools, physicians, hospitals, and individuals to make available to the Commission any information concerning me which the Commission may request.

Signature

Name (Printed)

Date

Exhibit "A"

SUMMARY

NAME: AGE:

PRESENT ADDRESS & LENGTH OF RESIDENCE IN FLORIDA:

MARITAL STATUS:

EDUCATION:

ACADEMIC HONORS:

ADMITTED TO FLORIDA BAR:

OTHER STATE BARS:

COURT ADMISSIONS:

LEGAL POSITIONS HELD

PERCENTAGE OF APPEARANCES IN COURT:

FEDERAL:

STATE:

 Trial:

 Appellate:

LITIGATION:

 Civil:

 Criminal:

NO. OF CASES TRIED:

 Jury:

 Non-jury:

PROFESSIONAL AND OTHER ACTIVITIES:

DECLARED BANKRUPTCY:

SUED BY CLIENT:

PARTY TO A LAWSUIT:

DISCIPLINARY MATTERS:

BELONG TO A CLUB WHICH DISCRIMINATES:

Exhibit "B"**FINANCIAL STATEMENT**

This Financial Statement should be completed and placed at the end of an application. Provide complete, current information, in dollars, adding schedules as necessary, for yourself, spouse and other immediate members of your household. This is the Financial Statement as requested by the Senate Judiciary Committee.

ASSETS		LIABILITIES	
Cash on hand and in banks		Notes payable to banks— secured	
U.S. Government securities – add schedule		Notes payable to bank – unsecured	
Listed Securities – add schedule		Notes payable to relatives	
Unlisted securities – add schedule		Notes payable to others	
Accounts and notes receivable		Accounts and bills due	
Due from relatives and friends		Unpaid income tax	
Due from others		Other unpaid tax and interest	
Doubtful		Real estate mortgages payable – add schedule	
Real Estate owned – add schedule		Chattel mortgages and other liens payable	
Real estate mortgages receivables			
Autos and other personal property		Other debts itemize:	
Cash value – life insurance			
Other Assets – Itemize:			
		Total Liabilities	
		Net worth	
Total Assets		Total Liabilities and Net Worth	
CONTINGENT LIABILITIES		GENERAL INFORMATION	
As endorser, co-maker or guarantor		Are there any assets pledged? (Add schedule)	
On Leases or contracts			
Legal Claims		Are you defendant in any suits or legal actions?	
Provision for Federal Income Tax		Have you ever taken bankruptcy?	
Other special debt			